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Athalonz, LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ATHALONZ, LLC,

Plaintiff,

v.

UNDER ARMOUR, INC.,

Defendant.

Case No. 3:23-mc-80324-LJC

**PLAINTIFF'S NOTICE REGARDING
STEPHEN CURRY SUBPOENA AND
REQUEST FOR EXPEDITED RELIEF
IN LIGHT OF RECENT EVENTS**

1 Plaintiff Athalonz, LLC (“Athalonz”) respectfully files this notice and request for expedited
2 relief in light of recent events regarding its Motion for De Novo Review of Magistrate Judge Cisneros’
3 Order granting Stephen Curry’s motion to quash Athalonz’s subpoena.

4 Athalonz’s Motion was filed on February 27, 2024 (Dkt. 24), and referred to this Court the
5 same day (Dkt. 25). The Motion has been fully briefed (Dkts. 26-28). Two additional relevant events
6 have occurred since then. First, as outlined in Athalonz’ motion for leave to file a supplemental brief
7 (Dkt. 28), Defendant Under Armour (“UA”) produced new evidence in the underlying litigation
8 showing Mr. Curry’s intimate involvement in the development of the Accused Products, which
9 directly contradicts the arguments raised by Mr. Curry in support of his motion to quash. Second, on
10 April 23, 2024, Judge Gilstrap issued an Order in the underlying case compelling UA to produce its
11 contract with Mr. Curry and rejecting UA’s attempt to limit discovery to only the soles of the Accused
12 Products (Dkt. 35). This was the same argument Mr. Curry made in his motion to quash and the same
13 argument accepted by Judge Cisneros in granting that motion (Dkt. 23).

14 Because Athalonz’s Motion was referred to this Court after filing, no hearing date was noticed
15 in the original motion. Athalonz understands the Court has no hearing dates available until August
16 2024. Athalonz therefore respectfully requests expedited relief from the Court, either through an
17 earlier hearing date or a ruling on the papers.

18 Mr. Curry’s testimony is crucial to Athalonz’s case. While fact discovery in the underlying
19 case is ongoing and closes in early October 2024, Mr. Curry strenuously argued in his motion to quash
20 that a deposition would be unduly burdensome if it took place during the NBA season. The next NBA
21 season begins in October 2024 and lasts many months, until after trial is scheduled in the underlying
22 litigation. Athalonz is accordingly concerned that Mr. Curry will use any delay to avoid sitting for a
23 deposition. Mr. Curry is currently in the NBA offseason and presumably available. Thus, a prompt
24 ruling on Athalonz’s motion will provide time either for Athalonz to depose Mr. Curry now if its
25 Motion is granted, or alternatively for Athalonz to serve a new subpoena on Mr. Curry and proceed
26 with briefing another motion to quash, given Judge Cisneros’ instructions on how to proceed in her
27 Order granting Mr. Curry’s motion without prejudice (Dkt. 23).

1 Finally, for the same reasons discussed above, to the extent the Court believes a hearing is
2 necessary but cannot be scheduled before the end of August 2024, Athalonz requests that its motion
3 be presented to the General Duty Judge under L.R. 7-1(c).

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5 Dated: May 2, 2024

Respectfully submitted,

6 REICHMAN JORGENSEN LEHMAN &
7 FELDBERG, LLP

8 By /s/ Jennifer Estremera

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10 Attorneys for Plaintiff
11 ATHALONZ, LLC
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